

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**EBENCONCEPTS COMPANY,  
Plaintiff,**

**V.**

DAVID CRUMPLER

## Defendants.

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) **Civil Action No.** \_\_\_\_\_  
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## **DEFENDANT'S NOTICE OF REMOVAL**

**TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

**PLEASE TAKE NOTICE** that Defendant David Crumpler hereby removes to this Court the state court action described below.

## I. JURISDICTIONAL FACTS

1. On February 3, 2021 Plaintiff EbenConcepts Company (“Eben”) sued Defendant David Crumpler for breach of contract, in the 44<sup>th</sup> Judicial District Court of Harris County, Texas. Plaintiff also requested injunctive relief and a temporary restraining order was heard and granted in Plaintiff’s favor on February 3, 2021.

2. Defendant was served with a copy of the Plaintiff's Original Petition, Request for Temporary Restraining Order, and Application Temporary Injunction on February 3, 2021, attached hereto under Exhibit A, via email.

3. Plaintiff's Original Petition alleges that Plaintiff, a domestic for-profit corporation, is owed over \$1,000,000 by Defendant Crumpler, a citizen of North Carolina.

## **II. GROUNDS FOR REMOVAL**

4. This action is a civil action which may be removed to this Court by Defendant under 28 U.S.C. §§ 1441(b) and 1332(a)(1) because the district courts of the United States have original jurisdiction over all actions where, as here, the matter in controversy exceeds the sum of \$75,000.00 and is between citizens of different States. Plaintiff has pleaded an amount in controversy well over the \$75,000 threshold. Plaintiff seeks over \$1,000,000 in damages.

5. To determine the State citizenship of an individual requires analysis under 28 U.S.C.A. § 1332 (a)(1).

6. The citizenship of a corporation is determined by a “nerve center approach” considering the principal place of business as referring to the place where a corporation’s officers direct, control, and coordinate the corporation’s activities. *Hertz Corp. v. Friend*, 559 U.S. 77, 92-93 (2010). Plaintiff Eben is a citizen of Texas. Eben is a domestic for-profit corporation organized under the laws of Texas with its principal place of business or “nerve center” located at 5050 Spring Valley, Dallas, Texas 75244.

7. Defendant Crumpler is a citizen of North Carolina. Defendant Crumpler is domiciled and intends to remain in North Carolina. Defendant is not a citizen of Texas, the State in which Plaintiff filed its action.

8. Given these facts removal to this district court is proper based upon this Court’s original jurisdiction over parties with diverse citizenship.

## **III. TIMELINESS OF REMOVAL**

9. Movant files this Notice of Removal within thirty days of having received the initial pleading on February 3, 2021, as required under the Code. 28 U.S.C. § 1446(b)(1).

**IV.  
CONSENT TO REMOVAL**

10. Defendant consents to the removal of this matter to United States district court as required under 28 U.S.C. § 1446(b) and Federal Rule of Civil Procedure 11. Defendant David Crumpler's consent to removal is attached as Exhibit B. The consent is unambiguous.

**V.  
NOTICE OF REMOVAL**

11. Defendant has given notice of this Removal to Plaintiff and to the 44<sup>th</sup> Judicial District Court of Dallas County, Texas.

**VI.  
LOCAL RULE 81**

12. Per Southern District of Texas Local Rule 81.1, a copy of the Dallas County District Clerk's online docket report is attached hereto as Exhibit C, and a list of all parties and counsel are attached as Exhibit D. The index of matters to be filed is attached as Exhibit A.

**VI.  
CONCLUSION**

For the foregoing reasons, movant Defendant hereby issues this notice of removal pursuant to this Court's diversity jurisdiction under 28 U.S.C. §1441(b) and 1332(a)(1).

Respectfully submitted,

THE VETHAN LAW FIRM, PC

By: /s/ Charles M.R. Vethan

Charles M.R. Vethan  
Attorney-in-Charge  
State Bar No. 00791852  
Two Memorial City Plaza  
820 Gessner Rd. Suite 1510

Houston, Texas 77024  
Tel: 713-526-2222  
Fax: 713-526-2230  
[edocs@vwtexlaw.com](mailto:edocs@vwtexlaw.com)

*Attorneys for Defendant  
David Crumpler*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this instrument was served on all parties, represented through counsel or *pro se*, through ECF, email and/or Certified Mail, pursuant to the Federal Rules of Civil Procedure, on this 8<sup>th</sup> day of February 2021, as follows:

Counsel for Plaintiff EbenConcepts Company

***Via CM/ECF and Email:***

Jose M. Portela  
State Bar No. 90001241  
James M. Stanton  
State Bar No. 24037542  
Jennifer Salim Richards  
State Bar No. 24079262

[jose@stantonllp.com](mailto:jose@stantonllp.com)

[jms@stantonllp.com](mailto:jms@stantonllp.com)

[jrichards@stantonllp.com](mailto:jrichards@stantonllp.com)

STANTON LLP  
1717 Main Street  
Suite 3800  
Dallas, Texas 75201  
Telephone: (972) 233-2300  
Facsimile: (972) 692-6812

By: /s/ Charles M.R. Vethan  
Charles M.R. Vethan